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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,963

11/26/2003

Judy Lynn Westby

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07/21/2009

WESTMAN CHAMPLIN & KELLY, P.A.

SUITE 1400

900 SECOND AVENUE SOUTH

MINNEAPOLIS, MN 55402

EXAMINER

BAKER, STEPHEN M

ART UNIT

PAPER NUMBER

2112

MAIL DATE

DELIVERY MODE

07/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,963

Applicant(s)

WESTBY ET AL.

Examiner

Stephen M. Baker

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 and 23-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-21, 24-29, 31 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,668,809 to Rostoker *et al* (hereafter "Rostoker").

Regarding claims 18 and 31: Rostoker discloses an "ATMizer" ATM network device (50) for coupling a host computer workstation (WS 16) to a "serial communications path" link (not shown) of an ATM network. Rostoker's ATM network device (50) comprises an interface (62) for coupling to the serial ATM link necessarily through a configured "transmitter" of "a serial device ... supporting a serial communications path." Rostoker's ATM network device (50) further comprises a virtual channel RAM (56) serving as a "buffer that receives, from the serial communications path, a packet that includes a data protection code" where the "packet" is received from the serial link of the ATM network in segmented form, occupying the payload of a number of ATM cells and including a CRC32 "data protection code" (in the case of an AAL5 SAR). Main memory (not shown) of the host computer workstation (WS 16) provides a "memory separate from the buffer" which receives re-assembled packet data after the cell payloads are combined. Rostoker's DMA controller (60) with its CRC32

checking logic checks CRC32 in reassembled packets received via ATM cells and sends the data of the checked packet to host (WS 16) memory (not shown), providing a "means for checking the received packet for accuracy by verifying the data protection code and storing the packet without the data protection code to the memory."

Rostoker's DMA controller (60) also includes CRC32 generating logic, thus providing "an integrity apparatus configured to check a data-integrity of the first packet based on the first data protection code, remove the data protection code from the first packet, and store the first packet to a second memory without storing the first data protection code in the second memory" and a "data protection code generation circuit coupled to the first memory that generates and appends a second data protection code to a second packet stored in the first memory if the second packet is received from the second memory" where the "first memory" is the virtual channel RAM (56) and the "second memory" is host (16) memory.

Presumably the CRC32 "data protection code" is stripped away from the reassembled packet so that the host receives packets from the ATMizer (50) in the same format as packets sent to the ATMizer from the host (WS 16), however Rostoker does not mention as much. *Official Notice* is taken that stripping the CRC from a packet after the CRC has been checked was conventional practice at the time the invention was made. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to implement Rostoker's packet forwarding performed after CRC checking with a step of stripping away the CRC. Such an implementation would

have been obvious because stripping the CRC from a packet after the CRC has been checked was already conventional practice.

Regarding claim 20, two workstations with ATMizers in communication with each other via the ATM network provide "a computer system having a second serial device."

Regarding claim 21, Rostoker's DMA controller (60) requires a "verification circuit" and "a circuit for moving the first packet from the first memory to the second memory" in order to operate as described by Rostoker.

Regarding claim 24, each of Rostoker's ATM network-coupled workstations (16) qualifies as a "data storage device" with host data storage media qualifying as a "data storage medium."

Reissue Declaration

3. The reissue declaration filed with this application is defective because the present claims do not specifically correspond to the error identified.
4. Claims 1-21 and 23-32 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect in the declaration is set forth in the discussion above in this Office action.

The original claims should be amended or cancelled as being defective for claiming more than the patentee had a right to claim. See MPEP 1402.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (571) 272-3814. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. Baker/
Primary Examiner
Art Unit 2112

smb